
In the Matter of:

**Retention of 2008 General
Election Records**

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Findings and Order

Case No. EL10-19

Pursuant to Wis. Stats. §§5.05(1)(e) and 5.06(6), the Wisconsin Government Accountability Board (hereinafter, the “Board”) hereby makes the following Findings and Order:

FINDINGS

- 1) Section 7.23(1)(c), Stats. provides that registration forms of electors whose registrations are changed to ineligible status may be destroyed 4 years after the change, unless an elector becomes eligible again during that period.
- 2) Section 7.23(1)(e), Stats., provides that poll lists created at a partisan election may be destroyed 4 years after the election at which they were created.
- 3) Section 7.23(1)(f), Wis. Stats., provides that ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months from the date of the election.
- 4) The 2008 Presidential and General Election was held on November 4, 2008, and 22 months from that date is September 4, 2010.
- 5) The Board has initiated joint efforts with surrounding states to investigate whether individuals voted in Wisconsin and in another state at the 2008 General Election. When investigation warrants, the Board is forwarding such matters to prosecuting attorneys in Wisconsin. Successful investigation and prosecution of such cases requires the preservation of certain original election and voter records, including absentee ballot certificate envelopes, applications for absentee ballots, absentee voter logs, voter registration forms, poll books, and inspector statements.
- 6) For the purpose of preserving evidence for potential prosecution of voter fraud cases, it is necessary for municipal and county election officials to retain certain original records related to the 2008 General Election longer than the

22-month period established by §7.23(1)(f), Stats., and until such records are no longer needed for potential prosecution of voter fraud cases.

ORDER

Based upon the above Findings, the Board orders local election officials to retain the following original election records related to the 2008 General Election until further notice of the Board, notwithstanding the retention periods established by §7.23(1)(c), (e), and (f):

- 1) Voter registration forms of electors participating in the 2008 General Election.
- 2) Poll lists
- 3) Absentee ballot applications
- 4) Absentee ballot certificate envelopes
- 5) Absentee voter logs
- 6) GAB-104 Inspectors' Statements

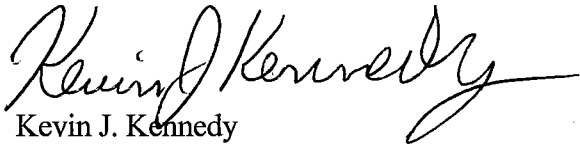
Other records related to the 2008 General Election, including ballots, remain subject to the retention and destruction schedules established by §7.23, Stats.

Pursuant to §5.05(1)(e), the Board authorizes its Director and General Counsel to execute these Findings and Order.

Pursuant to §5.06(8), Wis. Stats., parties may appeal this Order to circuit court within 30 days of issuance of the Order.

Dated this 8th day of September, 2010.

Government Accountability Board



Kevin J. Kennedy
Director and General Counsel